



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 13, 2011

By ECF and Hand

The Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Elizabeth Moran-Toala
Criminal Docket No. 08-103 (S-1)(FB)

Dear Judge Reyes:

In accordance with Rule 24(a) of the Federal Rules of Criminal Procedure, in addition to the general voir dire questions, the government respectfully requests that the Court ask the following case-specific questions in jury selection for the above-referenced case. Defense Counsel Florian Miedel, Esq., joins in these requests. Jury selection is scheduled to take place on June 20, 2011.

1. This case involves the distribution of illegal drugs, specifically heroin and cocaine. Do you have any strong feelings concerning use of or trafficking in illegal drugs, or about the drug laws now in effect in the United States? Would your views on illegal substances such as heroin or cocaine affect your judgment of this case in any way? If so, please explain.
2. You will hear the testimony of witnesses whom the government alleges were part of the criminal conduct that is the subject of this trial. These witnesses have already pleaded guilty and will testify for the government. The government has agreed that, in the event that the witnesses testify truthfully, it will bring their cooperation to the attention of the judge who decides the sentence for each witness by making a motion, which, in part, will allow the judge to sentence a defendant below the mandatory minimum sentence ordinarily required for the offense.

I instruct you that it is entirely permissible for the government to enter into these types of agreements. Nonetheless, is there anyone here who has any strong opinions about such an arrangement or about the testimony of such witnesses?

Would the fact that these individuals will be called by the government prevent you from deciding this case impartially and solely upon the evidence presented to you? Will you follow the Court's instructions about how you should evaluate the credibility of these witnesses?

3. Do you have any significant connection with the country of the Dominican Republic?
4. This case is the result of an investigation by Customs and Border Protection (referred to as CBP or Customs) and Immigration and Customs Enforcement (referred to as ICE) both agencies under the Department of Homeland Security. Does anyone work for these agencies or have a close family member who does? Have you or has anyone close to you had any experience, whether positive or negative with law enforcement officers, including those employed by CBP, ICE or even the New York City Police Department? Please explain.
5. The defendant in this case was herself a Customs and Border Protection Officer. Do you have any feelings about such a defendant that would affect your ability to consider him fairly and impartially?
6. Some of the evidence in this case may come from court-authorized "wiretap" recordings of telephone conversations. I advise you that the use of this procedure to gather evidence is perfectly lawful and the government is entitled to use such wiretaps in this case. Do you have any feelings about such wiretap recordings that would affect your ability to consider such evidence fairly and impartially?
7. Some of the evidence in this case may be about individuals who work for Delta Airlines. Have you or anyone close to you worked for Delta Airlines or any other airline? If so, do you have any feelings related to employment by Delta Airlines or any other Airline that would affect your ability to consider the evidence fairly and impartially?
8. Do you hold religious beliefs that would prevent you from passing judgment on another person?

